

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AMANDA LUKES, DC,

Plaintiff,

6:18-cv-06613-MAT
DECISION AND ORDER

vs.

KRE PUBLISHING, LLC, and
RYAN THOMAS BREEN,

Defendants.

Plaintiff Amanda Lukes, D.C., filed the instant Complaint (Docket No. 1) on August 23, 2018, alleging violations of the Copyright Act, 17 U.S.C. § 101 *et seq.* When Defendants failed to answer, Plaintiff requested a Clerk's Entry of Default (Docket No. 6), which was entered on November 2, 2018 (Docket No. 8). Also on November 2, 2018, Plaintiff filed a Motion for Default Judgment (Docket No. 9). Defendants responded to the motion (Docket No. 12).

On May 29, 2019, the Court issued a Decision and Order (Docket No. 16), denying Plaintiff's motion without prejudice. The Court found that, in light of Defendants' *pro se* status and Plaintiff's failure to show willfulness or prejudice, entry of a default judgment was not warranted at that time. Instead, the Court granted defendants Ryan Thomas Breen ("Breen") and KRE Publishing, LLC ("KRE") an extension of sixty (60) days from May 29, 2019, to file a responsive pleading to Plaintiff's Complaint.

Defendants were advised that failure to file a responsive pleading within sixty (60) days might result in the Court granting default judgement in favor of Plaintiff.

On July 22, 2019, the Court issued a text order noting that KRE and Breen inadvertently had not been not sent a copy of the Court's Decision and Order dated May 29, 2019. Accordingly, the Court sent, by first-class mail, copies of the Decision and Order to Breen and KRE at the addresses indicated on the Summons (Docket No. 1-2). Because Defendants did not receive a copy of the Decision and Order, the Court granted them 60 days from the date of the text order to file an answer and directed them to notify the Clerk's Office of their correct mailing addresses.

On September 26, 2019, the Court received a letter (Docket No. 18) by fax from a person named Elizabeth De las Casas ("De las Casas") suggesting that she is actually a defendant in this case. She notes that she has been "working diligently to obtain legal counsel in regards to this case" and that she had "setup a consult with a firm that [she] believe[s] is interested in [her] case." She requested that the Court "allow [her] a short extension to get [her] affairs in order." The Court "so ordered" the letter on September 27, 2019 (Docket No. 18) and granted an extension of time until October 30, 2019, to answer the Complaint. The Clerk of Court was requested to send a copy of the Order to De las Casas. It does not appear from the filing receipt

that this was accomplished, most likely because De las Casas had not filed an appearance in the case and there was no address of record for her.

The Court now has added De las Casas as a defendant in this action. Her letter only contained an email address, not a physical mailing address. Therefore, this Order shall be sent to her email address as listed on the docket sheet. It shall also be sent via regular mail to Breen and KRE at the addresses on the docket sheet.

De las Casas, Breen, and KRE are afforded one final extension of time to respond to the Complaint. Their answers are due **November 30, 2019**. Defendants are advised that no further extensions of time will be granted. Defendants are further advised that if they fail to answer the Complaint, the Court will grant Plaintiff's Motion for Default Judgment and enter Judgment against them, without further notice.

SO ORDERED.

s/ Michael A. Telesca

HON. MICHAEL A. TELESKA
United States District Judge

Dated: October 31, 2019
Rochester, New York.